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September 30, 2013

Honorable Pamela K. Chen
District Court Judge
United States District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn, New York 11201

VIA ECF TRANSMISSION

Re:*Gorfinkel v. Vayntrub, et al.* Case No. 13-cv-3093 (PKC) (AKT)

Application for an extension of the October 3rd Court Appearance before Judge Chen
For four Weeks until SUNY(RF) provides the Subpoenaed records anticipated for October 15th

Dear Judge Chen:

This office is counsel to plaintiff Vera Gorfinkel in the above entitled action removed to this Court and the subject of a Rule 10(b) (6) motion to dismiss by the defendants. (Doc. #7)

Docket Entry #28 grants on August 28, 2013 the defendants' Letter Motion for an Extension of Time to File Response/Reply brought by Genometrica Ltd., Genometrica Research, Inc., and Invar Consulting Ltd as follows:

"Defendants shall have until two weeks after receiving the materials identified as "the Documents" in which to file its reply. Should the Court receive the Documents pursuant to the third party subpoena, it will consider whether they should be electronically docketed and, if so, whether they should be made available only to the parties. A status conference will be held on October 2, 2013, at 10:30 a.m., in the event that neither the Court nor Defendants have received the Documents by that date. Ordered by Judge Pamela K. Chen on 8/28/2013"

A Subpoena for the records was issued to SUNY (RF) the Foundation for the State University of New York which is the custodian of the Records. It has been co-counsel for the plaintiff, Gregory Koerner, Esq, who has been in contact with SUNY (RF) and its counsel monitoring its progress in complying with the Subpoena for requested Doc. # 28 material.

On Friday at 7:33pm of September 27, 20013 Peter I. Bernstein, Esq., partner in the law firm that represents SUNY (RF) i.e. Scully, Scott Murphy and Press, informed Mr. Koerner that it was unable to meet the deadline of September 30, 2013 to provide the Subpoenaed records and requested until October 15, 2013 for compliance.

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Mr. Koerner transmitted the E-mail from Mr. Bernstein to my office, which is annexed as Exhibit "A".

Mr. Koerner is presently in Los Angeles on business and as expedition is required; our office is preparing this Extension application for submission to the Court for consideration before October 3rd.

The plaintiff has not made a prior request for an extension of the October 3rd deadline. (Doc. #28) In a companion case before Judge Tomlinson, (Case # 2:11-cv-05802-PKC-AKT) counsel for Genometrica on September 25, 2013 consented to a similar Application for an extension of time for SUNY(RF) to produce Subpoenaed Records (Docket Entry#78) needed in that case.

In the interest of conserving Judicial Resources movant respectfully asks the Court to extend the time from October 3rd for four (4) weeks, to allow SUNY(RF) to produce the Subpoenaed Records by October 15th and add another two weeks for the defendants to provide their Reply.

Respectfully submitted,



Arthur Morrison

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